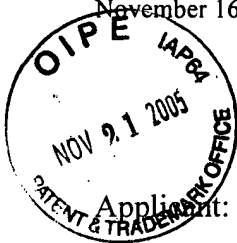


November 16, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Andy H. Levine, John F. Cvinar and John C. Meade

Application No.:

10/811,293

Group:

3763

Filed:

March 26, 2004

Examiner:

Not assigned

Confirmation No.:

8260

For:

ANTI-OBESITY DEVICES

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

11-17-2005 Marianne Lentini
Date Signature

MARIANNE LENTINI

Typed or printed name of person signing certificate

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Preliminary Amendment for filing in the above-identified application.

[] Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.

[] A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

The claims fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	48	MINUS	* 45	3
INDEP	8	MINUS	** 5	3
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

* not fewer than 20

** not fewer than 3

SMALL ENTITY

	RATE	ADDIT. FEE
X	\$ 25	\$
X	\$ 100	\$
+	\$ 180	\$

TOTAL= \$ 0

OTHER THAN
SMALL ENTITY

	RATE	ADDIT. FEE
X	\$ 50	\$ 150
X	\$ 200	\$ 600
+	\$ 360	\$

TOTAL= \$ 750

The Application Size Fee has been calculated as shown below:

(Effective for cases filed on or after December 8, 2004)

Actual Sheets (Including current amendment)	Highest No. of Sheets Paid For (At least 100)	No. of Additional Units Required (Increments of 50 sheets)

SMALL ENTITY

Rate	Total Amount Owed
X \$125	\$[]

OTHER THAN
SMALL ENTITY

Rate	Total Amount Owed
X \$250	\$[]

Payment Sufficient for up to
[] Sheets

Petition for Extension of Time

[] Applicant hereby petitions to extend the time to respond to the [] dated [] for [] month(s) from [] to []. The appropriate fee is set forth below.

[] [For action-specific language in an extension of time, go to insert, file, public folders, firm templates, and select the appropriate paragraph.]

Please charge Deposit Account No. 08-0380 for the following fees:

<input type="checkbox"/>	Petition for [] month Extension of Time	\$	_____
<input type="checkbox"/>	Claims Fee	\$	_____
<input type="checkbox"/>	Application Size Fee	\$	_____
<input type="checkbox"/>	Other Fees:		
	_____	\$	_____
	_____	\$	_____
	TOTAL:	\$	<u>0</u>

A check is enclosed in payment of the following fees:

<input type="checkbox"/>	Petition for [] month Extension of Time	\$	_____
<input checked="" type="checkbox"/>	Claims Fee	\$	<u>750</u>
<input type="checkbox"/>	Application Size Fee	\$	_____
<input type="checkbox"/>	Other Fees:		
	_____	\$	_____
	_____	\$	_____
	TOTAL:	\$	<u>750</u>

☒ Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By


Ralph Tremenzozzi

Registration No.: 55,686

Telephone (978) 341-0036

Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Dated: 11/17/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andy H. Levine, John F. Cvinar and John C. Meade
Application No.: 10/811,293 Group: 3763
Filed: March 26, 2004 Examiner: Not assigned
Confirmation No.: 8260
For: ANTI-OBESITY DEVICES

CERTIFICATE OF MAILING OR TRANSMISSION	
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<u>11-17-2005</u>	<u>Marianne Lentini</u>
Date	Signature
MARIANNE LENTINI	
Typed or printed name of person signing certificate	

PRELIMINARY AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment is being filed prior to the first Office Action in the above-identified application.

Please amend the application as follows:

11/22/2005 CCHAU1 00000017 10811293

01 FC:1202	150.00 OP
02 FC:1201	600.00 OP